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Election Reform to Enhance Voting Process

When Hoosiers visit their polling places during the May primary or the November election, most don't think about voter fraud. Most abide by our laws and rules, but Indiana has experienced an influx of questionable voter practices over the past few years. Secretary of State Todd Rokita worked with the General Assembly this session to pass a series of election reforms aimed at ensuring elections are conducted fairly, cleanly and legally.

Senate Enrolled Act 72 focuses heavily on voter registry lists and voting systems, two areas where fraud occurs most often. This act gives counties the authority to purge county voting rolls to eliminate from the list those who have died or left the county. Previously, these lists were not allowed to be updated. Therefore, deceased cit-

izens' names were targets for manipulation and deceitful voting.

The county voter registration office can conduct a voter list maintenance program. Each county must mail out notices to all registered voters. If the voter fails to respond after two elections, he or she is classified as inactive and registration must be cancelled by the office.

The second major area addressed in SEA 72 is voting systems. The act gives the Indiana Election Commission the authority to control what voting systems are sold and marketed in the state. Vendors of voting systems must submit an application to the commission before they can market their systems in the state. They must fill out the applications truthfully, under penalty of perjury. Failure to submit an application could result in a ban on selling systems for up to five years.

Election reforms were some of the most significant changes made during this short legislative session. America is a representative democracy, based on the idea that citizens choose their representatives. Ballot fraud that weakens the election process should not be tolerated.



State Senator
Joe Zakas

Serving District 11 — Elkhart and St. Joseph Counties



2004 Facts & Figures

The Second Regular Session
of the 113th General Assembly
began on Organization Day,
November 18, 2003,
and adjourned March 4, 2004.

This non-budget year is known as
the "short" session.

Senate bills introduced: 503
Senate joint resolutions introduced:
10

Senate bills passed: 18
Senate joint resolutions passed: 0

House bills introduced: 459
House joint resolutions introduced: 7

House bills passed: 80
House joint resolutions passed: 0

Percent of introduced bills that were
sent to the governor: 10%

For more information
about the General Assembly's
2004 session,
visit us online at:
www.in.gov/legislative

Visit my site at:
www.in.gov/S11

Property Tax Improvements Remain Priority

Property taxes fund the majority of local government operations. In Indiana, state government receives less than one-tenth of a percent of all property taxes collected. The Indiana General Assembly started the 2004 legislative session earlier than usual to address local property tax issues. Ordinarily, the legislature convenes for one day on the third Tuesday in November, called Organization Day, in order to meet and do general 'housekeeping' business.

This session, legislators conducted committee meetings and convened in November and December to attempt to ease the local property tax burden for homeowners, farmers, and employers hit with higher tax bills than expected.

Due to court-ordered property tax reassessment, some problems have surfaced in a few counties around the state. For several weeks in the fall, members of the Senate Finance Committee met around the state to gather information and evaluate

What Senate Enrolled Act 1 Does:

- Allows counties to waive penalties assessed for late payment of property taxes
- Allows taxpayers to pay their property taxes in installments
- Extends the filing deadline for existing property tax deductions and exemptions
- Requires approval from elected officials of significant property tax increases by non-elected boards, such as libraries.
- Streamlines the property tax appeal process to make it easier for taxpayers
- Requires assessors to use most favorable assessment method for rental properties
- Repeals local governments' ability to raise and spend excess levies and requiring any excess funds to be used to reduce future levies

state policy on property taxes.

Drawn from these meetings, Senate Enrolled Act 1 includes many of the good ideas citizens offered to help address the

— see **PROPERTY TAX**, page 2

Economic Development Efforts Continue

In 2003, the Senate passed legislation with significant economic development measures, dubbed the "JOBS plan." Economic development is crucial to the Hoosier economy, and we are constantly looking for ways to improve our business climate here in Indiana to help more Hoosiers find jobs.

The Senate continues to seek new ways to foster a more a competitive atmosphere for businesses in Indiana. One critical bill, House Enrolled Act 1365, passed the Senate this session and should provide some new momentum for our economic development efforts. It is a combination of several bills that focus on expanding small businesses investment, improving research and development, and encouraging growth around the state.

Economic Development Provisions in HEA 1365

- Makes several research and investment tax credits permanent.
Economic Importance: Businesses will have confidence to invest in creating innovative new products knowing that these credits are stable.
- Adds the Emerging Technology Grant Fund to the 21st Century Research and Technology

— see **ECONOMIC DEVELOPMENT**, page 2

SUMMARY OF OTHER LAWS PASSED

Changes in Public Policy

- Increased predatory lending protections for consumers
- Increased safety requirement with booster seats for children under eight years of age riding in the rear seat
- Improved several child abuse laws to protect safety
- Required every child entering Grades 9-12 to be immunized against hepatitis B
- Increased review of entries to missing children database
- Increased the jail time of a drunken driver or a driver under the influence of certain drugs if the driver causes a fatality

Changes in Tax Policy

- Exempted itemized installation fees from Indiana's sales tax

- Provided cost-of-living increases for retired teachers
- Created two study committees:
 - 1) To investigate replacing Indiana's property taxes
 - 2) To study local government efficiency and financing
- Amended the comprehensive health insurance association (ICHIA) law concerning rates and reimbursements

Constitutional Amendments

- Established ballot wording for three proposed amendments to the Indiana Constitution
 - 1) The exemption of certain property from taxation
 - 2) A uniform starting date for terms of county officials
 - 3) The transfer of power when the offices of the governor and lieutenant governor are vacant

ECONOMIC DEVELOPMENT

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Fund.

Economic Importance: The Fund will match federal grants for small-sized technology-based businesses to accelerate the commercialization of new discoveries in the life sciences, information technology, advanced manufacturing, or logistics industries.

- Gives tax incentives to businesses who locate new or expanded operations on closed military bases.

Economic Importance: Incentives given to businesses on Grissom Air Force Base, Fort Benjamin Harrison and Crane Naval Surface Warfare Center will spur the local economy. New tax incentives are vital due to the elimination of the inventory tax by 2007.

- Improves rules regarding Community Revitalization Enhancement Districts (CREDS).

Economic Importance: CREDS are important economic development tools for the downtown areas of our cities. Expanding and improving CREDS will further these efforts.

- Allows local governments to assess an annual fee to recipients of tax abatements.

Economic Importance: This fee would be used by local economic development boards to help provide more jobs within the area. It would help small rural communities that do not have big budgets for economic development.

- Repeals the sales tax on complimentary hotel rooms.

Economic Importance: Indiana will be more competitive with other states in attracting tourism and convention business.

These provisions are only several of the many economic development bills filed this session. Efforts to provide Indiana with the tools needed to improve our economic climate will continue.

PROPERTY TAX

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problems.

One of the most important provisions of SEA 1 limits future property tax increases through strict controls on local government spending. In 2002, legislators tried to anticipate the effects of reassessment and passed a bill that shifted the tax burden to sales and gaming taxes in order to generate an additional \$1 billion in tax relief for property owners.

Because the levying of property taxes is very complex compared to other ways government programs and services are financed, the debate continued when session reconvened in January. House Enrolled Act 1001 was enacted to clarify and update language in SEA 1.

Senators also recognized the need to restore the value of certain targeted property tax deductions to levels as they were before the reassessment. SEA 296 updates existing deductions for the elderly, blind or disabled, wartime service disabled, disabled veteran, surviving spouse of a WWI veteran, WWI veteran, residential property rehabili-

tation, historic property rehabilitation, and residentially distressed area property rehabilitation.

Even at this time, several counties have not completed the reassessment process. Legislators want to be fair and do what's right for Hoosier homeowners, farmers and family businesses, but there are no quick and easy solutions. The newly formed Property Tax Replacement Study Commission will study the elimination of property taxes over the summer and work toward solutions that reflect the concerns of all Indiana taxpayers.



Sen. Joe Zakas presents Senate Bill 34, which would have helped increase airline safety, to the House Courts and Criminal Code Committee in the Indiana Supreme Court Chamber on February 19. As author of the bill, Zakas, along with Steve Johnson of the Indiana Prosecutors Association, argued the merits of the bill to gain support for its passage in the House. The Indiana Airport Association also supported the bill.

ZAKAS PROPOSES PUBLIC SAFETY BILLS

Although Indiana law has been improved to address airport security, **Senate Bill 34** would have continued that progress. The bill, which I authored, would have required a person checking luggage containing a firearm, an explosive or a destructive device, all defined by state law, to disclose this information to airline personnel. Knowing or intentional failure to do so would be a criminal act. The purpose of the bill is to enable local police authorities to detain and question such an individual, when sensors detect dangerous items in his or her checked luggage. The dangerous devices mentioned are all prohibited by the federal Transportation Safety Administration. However, state law is needed for the person to be detained and/or arrested.

Another bill I authored, **SB 17**, would have expanded mandatory DNA testing to additional offenders in the criminal justice system. Current Indiana law requires offenders in prison who are convicted of violent sex crimes or burglary to submit a DNA sample, which is then cross-checked in the database.

SB 17 would have added attempts and conspiracy to commit these crimes, along with residential entry and incest, to the testing law as well. Studies have shown these types of offenses are often repeated and offenders typically move to more violent crimes. The broader the DNA database of felons, the more likely forensic labs can cross-check samples collected in unsolved crimes, or "cold cases," and report any matches to the appropriate agency. According to the Indiana State Police, of the DNA samples collected last year alone, the state database found 123 "cold hits."

Both of these bills would have improved public safety. Unfortunately, although passing both the full Senate and House committees, a final vote was not taken. My goal is to introduce these measures during the next session of the General Assembly.

While many important bills did pass this year, several others came

up short. The highest profile bill that did not pass was **House Bill 1234**, which would have expanded full-day kindergarten as well as preschool programs.

Although many believe such measures have clear educational benefits, legislators could not reach an agreement on a long-term source of funding for the proposal in light of Indiana's current fiscal condition. Some believe local school corporations should not offer the program if tuition support from parents is required. They did not support the parental tuition aspect that was part of the proposal. Others pointed out that many school corporations did not have space for the program and would have to build more classrooms to make it work, which would increase property taxes. Others feared the proposal would curtail needed funding of other educational initiatives.

Another high profile measure which did not pass was **Senate Joint Resolution 7**, which would have started the process to amend the Indiana Constitution to define marriage and prevent recognition of same sex couples. SJR 7 would have to be approved by two separately elected general assemblies and put on a statewide ballot for voter approval before it could become law. The measure passed the full Senate after debate and discussion, but did not receive a hearing or vote in the House. Although Indiana has a statute in place with similar language, it is being challenged in court. Placing the language in the constitution would overcome such challenges presently or in the future.

Another measure which did not pass was **SB 262**, which would have limited tuition increases at universities to 4 percent or the higher education cost of living index. It would have applied for in-state, full-time undergraduate students. The Senate author withdrew the bill due to the number of questions and concerns that were raised, but state universities have begun to examine the need for such caps themselves.